

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

AMY BALDIN, an individual and as sole manager
of Lugano Properties 4, LLC,

Plaintiff,

No. 3:12-cv-00648-AC

v.

OPINION AND ORDER

WELLS FARGO BANK, N.A., a National Bank
registered to do business in Oregon; and
WELLS FARGO HOME MORTGAGE, INC.,
a California corporation registered to do business
in Oregon,

Defendants.

MOSMAN, J.,

On July 22, 2015, Magistrate Judge Acosta issued his Findings and Recommendation [199], recommending that Defendants' motion for summary judgment [186] should be GRANTED. Plaintiff's objected [201] and Defendants responded [202].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [199] as my own opinion.

IT IS SO ORDERED.

DATED this 16th day of September, 2015.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge